issues generally concern class conflicts in which men cannot be depended upon to be sympathetic with other class purposes; not even judges, though their record is much more creditable than many suppose. If the fight in the legislature, where all are represented, is to be transferred at its conclusion to a tribunal which is drawn from one class only, and properly so drawn, the strain upon government becomes greater than one ought lightly to accept. In any case we are entitled to more of what Dr. Ely likes to call a "realistic" treatment of so momentous a problem. LEARNED HAND.

THE HAGUE ARBITRATION CASES. By George Grafton Wilson. Boston: Ginn and Company. 1915. pp. x, 525.

This is a collection of the preliminary and final documents in the cases submitted to the Hague tribunal. The preliminary documents are the agreements — technically termed *compromis* — under which the cases have been submitted, and the final documents are the formal awards. Heretofore these papers have been difficult to find. This volume collects them, and presents an English translation of such as have no authoritative English text. No commentary is given; and it is obvious that the editor's purpose has been simply to furnish a text for the use of students and other investigators, — a fruitful basis for historical and legal dissertations. The editor has added maps, the arbitration conventions of the two Hague conferences, and an index. The result is a useful book, and indeed an indispensable one.

A short preface says that "the fifteen cases upon which the court has acted show that the resort to arbitration as a means of settlement of international disputes has become common in the early days of the twentieth century," that "financial claims have been passed upon frequently, but such questions as the right to fly the flag, the violation of territory, the delimitation of boundaries, and other questions involving the fundamental rights of states have likewise been considered," that "in about one-half the cases no nationals of the parties to the controversy have sat as arbitrators," that "nearly one-half the cases have been before three judges, and all but one of the remaining cases before five judges," that "of the six arbitrators sitting in the cases decided in 1913 and 1914, each arbitrator had previously sat upon at least one case," that "France has been a party in six cases, Great Britain in five, the United States in four, Germany and Italy in three each, and several states in two or only in one," and that "seventeen states in all have been parties." These extracts from the preface indicate, as the editor says, "an established confidence in the tribunal."

Reasons for the growth of confidence in the Hague system of settling disputes can be found in the awards. As the system does not exclude nationals from a tribunal, and as arbitral tribunals, even when not partly composed of nationals, have often made awards that were obviously the result of compromise, the Hague system has not always been looked upon with the highest hope. Yet the actual awards have not justified the fears so naturally felt. The awards cannot fairly be called compromises. Further, the lack of permanence in the court — a defect suggesting that an evanescent body of judges might have the same irresponsibility as jurors — has been somewhat overcome by the growing practice of selecting arbitrators who have already served. Thus there may arise in time an approximately permanent court and a systematic body of judicial decisions.

In order that the Hague awards may become authoritative precedents after the fashion of decisions rendered where the Anglo-American system of law prevails, or even in order that they may have the merely persuasive force

which is conceded to decisions in the Civil Law countries, there must be reports. In no other way can the investigator learn upon what proposition of law the tribunal relied for the solution of the dispute submitted to it. By careful study the *ratio decidendi* can be extracted from the *compromis* and the award. Yet this is seldom easy. The *compromis*, save when the dispute is merely on the construction of a treaty, usually submits the problem in terms not indicating the agreed facts; and although the award invariably concludes with a clear judgment giving money, fixing a boundary, or otherwise determining the rights of the parties, the award does not always state briefly either the facts embodying the problem or the proposition of law relied upon as the major premise sustaining the decision. Thus this collection of *compromis* and awards incidentally raises many interesting questions as to the framing of headnotes embodying the doctrines to which these cases will be cited in future arguments and textbooks.

Perhaps the case of *The Carthage* (p. 352) is the one in which the award is so framed as most easily to enable the reader to extract the *ratio decidendi;* and perhaps the case of *The Manuba* (p. 326) is next to it in resemblance to an English or American reported case. Those two cases ought to be read by any one wishing to learn something about Hague procedure; for their *compromis* and awards, though brief, give an adequate picture of the sort of formality which is customary in such documents, and, besides, they deal with questions just now of practical interest, — questions of neutral commerce, contraband, right of search.

It only remains to add that, although thus far the awards at the Hague have seldom cited authorities, — as is natural enough, since they have dealt frequently with mere questions of fact and have almost never required any but the most elementary propositions of law, — and although, for the same reasons, they do not yet materially add to international law as a science, nevertheless they cannot be read without great respect for the learning and spirit underlying them, nor without a timely appreciation of these proofs that nations do recognize some rules and do submit some disputes to the test of reason.

EUGENE WAMBAUGH.

REPORT UPON UNIFORMITY OF LAWS GOVERNING THE ESTABLISHING AND REGULATION OF CORPORATIONS AND JOINT STOCK COMPANIES IN THE AMERICAN REPUBLICS. By Roscoe Pound. Pan-American Financial Conference. 1915. pp. 13.

There is need in every business community of some legal method by which associates may carry on a business undertaking with a simple method of suing and being sued, and of receiving and conveying property; without interruption to the undertaking through the death of an associate or the sale of his interest; with some provision for concentration of management and, above all, with a limitation of their liability. There is at present no uniformity in the American Republics as to this method. Commerce, says Professor Pound, is universal, but the laws regulating the instruments of commerce are local.

He outlines different systems of law, showing that the Latin-American law gives recognition to commercial partnerships as legal entities, contrary to the orthodox conception in the Anglo-American law, and stating that the Anglo-American view of incorporation as a grant by the state of an important privilege has led to regulation by the state which would be regarded as excessive in Latin America, where it is recognized that the law has simply confirmed the lay conception of a business composite unit. He further points out that in Latin America administrative bodies, rather than the courts, largely supervise such units.